

117TH CONGRESS
2D SESSION

S. 5329

AN ACT

To amend the Bill Emerson Good Samaritan Food Donation
Act to improve the program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. BILL EMERSON GOOD SAMARITAN FOOD DONA-**
 2 **TION ACT.**

3 The Bill Emerson Good Samaritan Food Donation
 4 Act (42 U.S.C. 1791) is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (3), by inserting “or is
 7 charged a good Samaritan reduced price” be-
 8 fore the period at the end;

9 (B) by redesignating paragraphs (6)
 10 through (10) as paragraphs (7) through (11),
 11 respectively;

12 (C) by inserting after paragraph (5) the
 13 following:

14 “(6) GOOD SAMARITAN REDUCED PRICE.—The
 15 term ‘good Samaritan reduced price’ means, with re-
 16 spect to the price of an apparently wholesome food
 17 or apparently fit grocery product, a price that is an
 18 amount not greater than the cost of handling, ad-
 19 ministering, harvesting, processing, packaging,
 20 transporting, and distributing the apparently whole-
 21 some food or apparently fit grocery product.”; and

22 (D) by adding at the end the following:

23 “(12) QUALIFIED DIRECT DONOR.—The term
 24 ‘qualified direct donor’ means a retail grocer, whole-
 25 saler, agricultural producer, agricultural processor,
 26 agricultural distributor, restaurant, caterer, school

1 food authority, or institution of higher education (as
 2 defined in section 102 of the Higher Education Act
 3 of 1965 (20 U.S.C. 1002)).”; and

4 (2) in subsection (c)—

5 (A) in paragraphs (1) and (2), by inserting
 6 “at zero cost or at a good Samaritan reduced
 7 price” after “needy individuals” each place it
 8 appears;

9 (B) by redesignating paragraph (3) as
 10 paragraph (4);

11 (C) by inserting after paragraph (2) the
 12 following:

13 “(3) DIRECT DONATIONS TO NEEDY INDIVID-
 14 UALS.—A qualified direct donor shall not be subject
 15 to civil or criminal liability arising from the nature,
 16 age, packaging, or condition of apparently whole-
 17 some food or an apparently fit grocery product that
 18 the qualified direct donor donates in good faith to a
 19 needy individual at zero cost.”; and

1 (D) in paragraph (4) (as so redesignated),
2 by striking “and (2)” and inserting “, (2), and
3 (3)”.

Passed the Senate December 20, 2022.

Attest:

Secretary.

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